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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

|                        |                      |
|------------------------|----------------------|
| Application Number     | 10/779,486           |
| Filing Date            | 02/13/2004           |
| First Named Inventor   | Peter Hansen, et al. |
| Art Unit               |                      |
| Examiner Name          |                      |
| Attorney Docket Number | 1100-074US           |

| ENCLOSURES (Check all that apply)  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input checked="" type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return receipt postcard<br>Appendices I, II, III and IV |
| <input type="checkbox"/> Remarks   |   |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                                       |          |        |
|--------------|---------------------------------------|----------|--------|
| Firm Name    | EPSTEIN DRANGEL BAZERMAN & JAMES, LLP |          |        |
| Signature    |                                       |          |        |
| Printed name | Robert L. Epstein                     |          |        |
| Date         | March 29, 2005                        | Reg. No. | 26,451 |

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |                    |      |            |
|-----------------------|--------------------|------|------------|
| Signature             |                    |      |            |
| Typed or printed name | Dermot M. Sheridan | Date | 03/29/2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

- - - - - X

In re: Patent Application of

Inventor: HANSEN, Peter, et al. New York, New York  
29 March 2005

Serial No.: 10/779,486

Docket No.: 1100-074US

Filed: February 13, 2004

Title: SYSTEM FOR PROVIDING STEP OUT  
COMMISSIONS AND COMPENSATION FOR  
RESEARCH BROKERS

Art Unit:

- - - - - X

Attn: Doshie Day  
OFFICE OF INITIAL PATENT EXAMINATION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

This petition is filed in response to the Notice of Abandonment under 37 CFR 1.53, mailed February 9, 2005. The Notice of Abandonment states that the above captioned application is abandoned for failure to reply to the Notice to File Corrected Application Papers dated May 13, 2004. Upon request, our firm, as attorneys of record in this case (and the addressees for all correspondence),

obtained on March 28, 2005 a facsimile copy of the Notice to File Corrected Application Papers from the Office of Initial Patent Examination.

On information and belief, we submit that the Notice to File Corrected Application Papers, mailed May 13, 2005, was never received by our firm, and therefore kindly request that the Notice to File Corrected Application Papers be reissued and re-mailed to us, setting a new deadline for responding to same.

Our firm employs a very rigorous docketing system in handling all correspondence received from the USPTO. All incoming correspondence is reviewed by two members of staff, including a highly competent patent clerk with over twenty years' experience in docketing patent prosecution matters. All documents with response deadlines are entered into an electronic docketing system database by our patent clerk immediately upon receipt. Our electronic docket system is automatically updated on a daily basis to remind all attorneys and support staff of upcoming deadlines. Each entry into the electronic database is corroborated by a second member of staff.

In addition to this highly accurate electronic database and recall system, our firm also utilizes a physical docket. When a document requiring a response is received from the USPTO, the information regarding the response date is initially docketed in the electronic database by our patent clerk, as described above. The file is then placed into a separate file storage area which is specifically designated

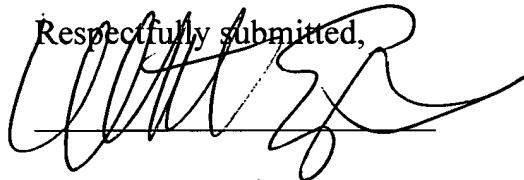
for cases in which a response is due. This physical docket is divided into monthly sections, and the file is placed into the appropriate section depending on when the response is due. This physical docket system is reviewed daily by the undersigned, and operates as a highly effective second level of security, or safety net, when documents requiring a response are received in any particular case. It is therefore believed that the robustness of our firm's docketing system, with its multiple levels of security, makes it very unlikely that the Notification to File Corrected Application Papers could have been received by us but misfiled or somehow docketed incorrectly.

In further support of the petition, submitted herewith is an extract of our electronic docket records for the above captioned application (Appendix I) indicating that information concerning this application has been duly entered into our electronic docket system as it was received in our office, including the application number (upon receipt of the return receipt postcard at the time of filing the application). Kindly note that no entry has been made in the appropriate section for a Notice to File Corrected Application Papers, namely "Notice of Missing Parts Due Date". Also enclosed are Appendices II, III and IV as examples of other cases in which a Notice to File Corrected Application Papers (or Missing Parts) have been received and duly entered into our docket system.

Further, a complete search of our office and thorough search of all of the file jackets for other patent applications we are handling for this applicant has been conducted. However, the Notice to File Corrected Application Papers in question has not been located. It is therefore believed, on the basis of our search and on the review of our docketing system, that it is very unlikely that the Notification to File Corrected Application Papers in question could have been mislaid in our office.

In light of the foregoing, it is respectfully requested that the Notice of Abandonment dated February 9, 2005 be withdrawn, and that the Notice to File Corrected Application Papers be reissued and re-mailed to us, setting a new deadline for responding to same.

Respectfully submitted,



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New York, New York 10165  
Tel. No. (212) 292-5390  
Fax. No. (212) 292-5391

## PATENTS

|  |   |
|--|---|
| Owner:                                       | NYFIX, Inc  |
| Correspondent:                               | Bellardo  |
| Matter number:                               | 1100-074US  |
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|  | <input type="radio"/> Provisional                             |
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|  | <input type="radio"/> PCT                                     |
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|  | <input type="radio"/> Design                                  |
| Application number:                          | 10779486  |
| Filing date:                                 | 2/13/2004   |
| Filing Fee paid:                             | 0   |
| Title:                                       | SYSTEM FOR PROVIDING STEP OUT COMMISSIONS                     |
| First named inventor:                        | Peter Hansen, et al.  |
| Group art unit:                              |   |
| Examiner name:                               |   |
| Attorney docket number:                      | 1100-074  |
| IDS Date Due:                                | 1/1/1900  |
| IDS Filed Date:                              | 1/1/1900  |
| Notice of missing parts due date:            |   |
|  | <input type="button" value="Add File"/>                       |
| Notice of missing parts filed date:          |   |
| Priority application number:                 |   |
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| Priority country:                            | N/A   |
| Priority date:                               |   |
| Certified copy of foreign application filed: | <input type="radio"/> Yes <input checked="" type="radio"/> No |

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| Assignment recorded on reel frame: | 014997/0803  |
| Date of assignment recordal:       | 2/12/2004 <input type="button" value="Add File"/>  |
| Projected publication date:        | 8/5/2005 <input type="button" value="Add File"/>   |
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| Check Status Date:                 | 4/13/2005  |
| Check Status Notes:                | USA - UTILITY - PENDING:<br>- Impending deadline for filing abroad/PCT<br>(02/11/2005)<br>- PCT timely filed.                    |

## PATENTS

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| Owner:                                       | Med-Track Partners, LLC                                       |
| Correspondent:                               | Frank, Milton   |
| Matter number:                               | 1510-003  |
| Assignment recorded:                         | <input type="radio"/> Yes <input checked="" type="radio"/> No |
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|  | <input type="radio"/> C-I-P                                   |
| Application Type:                            | <input type="radio"/> National Stage Entry                    |
|  | <input type="radio"/> PCT                                     |
|  | <input type="radio"/> Foreign                                 |
|  | <input type="radio"/> Design                                  |
| Application number:                          | 10966434  |
| Filing date:                                 | 10/18/2004  |
| Filing Fee paid:                             | 0   |
| Title:                                       | TRANSPOUNDER ASSEMBLY AND METHOD OF MA                        |
| First named inventor:                        | Frank, Milton   |
| Group art unit:                              |   |
| Examiner name:                               |   |
| Attorney docket number:                      | 1510-003  |
| IDS Date Due:                                | 1/1/1900  |
| IDS Filed Date:                              | 12/2/2004   |
| Notice of missing parts due date:            | 3/12/2005   |
|  | <input type="button" value="Add File"/>                       |
| Notice of missing parts filed date:          | 3/11/2005   |
| Priority application number:                 |   |
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| Priority country:                            | N/A   |
| Priority date:                               |   |
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| Check Status Notes:                | <input type="text"/><br>USA - UTILITY - PENDING:<br>- IDS filed 12/2/2004<br>- Response to Missing Parts timely filed 03/11/05.  |

## PATENTS

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|--|---|
| Owner:                                       | Ressler, Barry  |
| Correspondent:                               | Ressler   |
| Matter number:                               | 1983-100PCT   |
| Assignment recorded:                         | <input type="radio"/> Yes <input checked="" type="radio"/> No |
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| Application Type:                            | <input type="radio"/> National Stage Entry                    |
|  | <input checked="" type="radio"/> PCT                          |
|  | <input type="radio"/> Foreign                                 |
|  | <input type="radio"/> Design                                  |
| Application number:                          | PCT/US05/04246  |
| Filing date:                                 | 2/11/2005   |
| Filing Fee paid:                             | 0   |
| Title:                                       | SYSTEM AND METHOD FOR PRODUCT STERILIZATION                   |
| First named inventor:                        | Ressler, Barry  |
| Group art unit:                              |   |
| Examiner name:                               |   |
| Attorney docket number:                      | 1983-100PCT   |
| IDS Date Due:                                | 1/1/1900  |
| IDS Filed Date:                              | 1/1/1900  |
| Notice of missing parts due date:            | 4/4/2005  |
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| Notice of missing parts filed date:          |   |
| Priority application number:                 | 60/543,710  |
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| Priority country:                            | USA   |
| Priority date:                               | 2/11/2004   |
| Certified copy of foreign application filed: | <input type="radio"/> Yes <input checked="" type="radio"/> No |

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| Projected publication date:        | 8/5/2006   | <input type="button" value="Add File"/>   |
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| Check Status Notes:                | <p>PCT - PENDING:<br/>- PCT timely filed<br/>02/11/2005.<br/>- Response to Missing Parts<br/>due 04/04/2005.</p> |   |

## PATENTS

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| Owner:                                       | NYFIX, Inc   |
| Correspondent:                               | Bellardo   |
| Matter number:                               | 1100-085PCT  |
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| Filing date:                                 | 2/11/2005  |
| Filing Fee paid:                             | 0  |
| Title:                                       | SYSTEM FOR PROVIDING STEP OUT COMMISSION   |
| First named inventor:                        | Peter Hansen, et al.   |
| Group art unit:                              |  |
| Examiner name:                               |  |
| Attorney docket number:                      |  |
| IDS Date Due:                                | 1/1/1900   |
| IDS Filed Date:                              | 1/1/1900   |
| Notice of missing parts due date:            | 4/17/2005  |
| Notice of missing parts filed date:          |  |
| Priority application number:                 | 10779486   |
| Priority country:                            | USA  |
| Priority date:                               | 2/13/2004  |
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| Check Status Date:                 | 3/29/2005  |   |
| Check Status Notes:                | <p>PCT - PENDING:<br/>- PCT app filed 02/11/2005<br/>- Demand for IPEX due 09/13/2005.</p> |   |